



ADSO ALLIANCE OF DEFENCE SERVICE ORGANISATIONS

**PO Box 4166
KINGSTON ACT 2604**

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The Committee Secretary
Senate Foreign Affairs, Defence and Trade Committee
PO Box 6100
Parliament House
CANBERRA ACT 2601

SUBMISSION TO SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE COMMITTEE INQUIRY INTO SAFETY, REHABILITATION AND COMPENSATION LEGISLATION AMENDMENT (DEFENCE FORCE) BILL 2016

INTRODUCTION

The group of ex-service Associations that make up the Alliance of Defence Service Organisations (ADSO)¹ welcomes the opportunity to make a submission to the Senate Committee's Inquiry into **Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Bill 2016**. The Alliance numbers 17 national ex-service Associations that have a combined membership base of over 90,000 members.

Terms of Reference

ADSO notes that Terms of Reference did not accompany, as has been the normal practice, the call by the Senate Committee for submissions to its Inquiry. The omission thus precluded a clear understanding of and a response to the key issues upon which the Committee wished to focus. Thus, by necessity, this submission is broadly based and intended to highlight at least some concerns surrounding military compensation and the intended Acts proposed to cover the issue.

Understandings

That said, ADSO understands that the amendments proposed by the Bill will create the ***Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (the DRCA)***. The DRCA will apply only to members of the Defence Force and their dependants. It will be a re-enacted version of the ***Safety, Rehabilitation and Compensation Act 1988 (the SRCA)***, modified to apply only to members of the Australian Defence Force and their dependants.

¹ ADSO comprises The Defence Force Welfare Association (DFWA), Naval Association of Australia (NAA), RAAF Association (RAAFA), Royal Australian Regiment Corporation (RAR), Australian Special Air Service Association (ASASA), Vietnam Veterans Association of Australia (VVAA), the Australian Federation of Totally and Permanently Incapacitated Ex-Service Men and Women, the Fleet Air Arm Association of Australia, Partners of Veterans Association of Australia, Royal Australian Armoured Corps Corporation (RAACC), the National Malaya & Borneo Veterans Association Australia (NMBVAA), Defence Reserves Association (DRA), Australian Gulf War Veterans Association, Australian Commando Association, the War Widows Guild of Australia, Military Police Association Australia (MPAA), and the Australian Army Apprentices Association

Background

Australia has a proud history of committing the ADF to help its neighbours and friends fight against tyranny and oppression and, in the process, maintain its freedoms. In the course of doing so, some 100,00 men and women have paid the ultimate price with many more hundreds of thousands sustaining physical and mental wounds and injuries.

The veterans who returned home did so having seen and been involved in things that to most normal people are incomprehensible. Even today, the men and women of our ADF and veterans of more recent deployments face the same issues. Their service carried - and still carries with it, a lifelong impact of physical and mental trauma with immeasurable and lifelong damage.

The commitment to troops in 1917 by the then Prime Minister Billy Hughes KC, that '*the Government would look after the Digger*' remains in the Alliance's view, an article of faith and an unbroken Covenant with the Nation's Defence Force that has equal application to this day.

That commitment enshrined in veterans' legislation, although meant to be beneficial, has unfortunately over the years evolved into a series of bewildering and far too often adversarial Governmental processes.

Successive Governments and administrations through a preoccupation with conforming to 'best practice' application of public funds and constraining expenditure against the Budget targets, have through the years enacted legislation that has in a practical sense eroded and continues to erode, hard-fought and hard-won entitlements to the detriment of ADF members, veterans, and their families.

SAFETY, REHABILITATION AND COMPENSATION (DEFENCE FORCE) ACT 1988 (the DRCA)

The introduction of the *Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Bill 2016 (DRCA)* is another addition to the veterans' entitlements continuum.

ADSO has been assured by the Government and DVA that the Bill contains no changes which will operate to degrade or *de minimis* the current beneficial entitlements available under the SRC Act 1988. The Alliance takes this assurance at face value and the DRCA Bill is a complete copy of the SRCA and is veteran-specific.

Despite the assurance from the Government, the Alliance is alert to the possibility that even with the best intentions, there could be a gradual eroding of levels of support as DVA seeks to 'harmonise' the benefits provided by the three separate rehabilitation schemes (VEA; MRCA and DRCA) and introduce more efficient departmental processes.

There is already one specific example where this appears to be the case with the provision of aids for hearing impaired veterans. ADSO will continue to monitor very carefully any movement in the veterans' entitlements space where legislative changes are proposed no matter the good intentions of the proposed changes.

The complexity of the military rehabilitation and compensation structure is such that the Alliance will continue to advocate vigorously for the creation of a single purpose veteran-specific legislation for veterans and families to eliminate the current complexity and the inherent adversarial processes that are deeply ingrained in the VEA 1986 and MRCA 2004.

ADSO is firmly committed to promoting and advocating the wellbeing of veterans and their families. In line with the Billy Hughes commitment in 1917, the Alliance believes there should be a foundational statement in the form of a Military Covenant to enshrine the obligations owed by the Nation to its service personnel and veterans while at the same time outlining the Nation's expectations of its service personnel.

Proposed Military Covenant

Suggested wording for such a Military Covenant is along the lines as follows:

The Australian Defence Force (ADF) was formed to defend Australia, and protect its people and its interests. The service men and women who make up the ADF are Australian citizens who, while serving, must forego basic Human Rights enjoyed by other citizens. They must comply with the additional legal and disciplinary requirements of Military employment. When necessary this will include taking up arms against Australia's enemies and defeating them in battle using lethal force. They will be called upon to make personal sacrifices - including the possibility of the ultimate sacrifice - and in every sense to act honourably in the service of the Australian people.

In return, Members of the Australian Defence Force must always be able to expect, from the Australian Government on behalf of their fellow Australians, fair treatment, to be valued and respected as individuals, and that they (and their families) will be sustained and rewarded by commensurate terms and conditions of service. They further expect that those who are injured in service to the Nation and the families of those who die as a result of their service will be suitably cared for and sustained.

This mutual obligation forms the Military Accord or Covenant between the Nation, the ADF and each individual member of the ADF. It forms an unbreakable common bond of identity, loyalty and responsibility from which the "ANZAC Spirit" has emerged that has sustained the ADF in conflicts throughout its history.

ADSO will continue to vigorously pursue this objective.

Conclusion

On behalf of all members of ADSO, I commend this submission to the Inquiry.

At the discretion of the members of the Senate Committee's Inquiry into '**Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Bill 2016**', I offer myself to appear personally before the Inquiry at any time and answer any direct questions about the issues contained in this Submission, or other questions the Committee deems appropriate to its inquiry deliberations.

Yours Sincerely

Colonel David Jamison AM (Retd)
National Spokesman
Alliance of Defence Service Organisations